



Kentucky Department for Libraries and Archives
Local Records Program

Grant Application

Please review *Local Records Grant Guidelines* and consult with your *Regional Administrator* before completing this form. Use extra sheets if necessary and attach three written, itemized, project bid proposals for each project section. Please send the completed forms to:

Local Records Branch
Kentucky Department for Libraries and Archives
P.O. Box 537
Frankfort, Kentucky 40602-0537

Part A: Contact Information

Applicant Name: Chris Pace

Applicant Title: Clark County Judge-Executive

Office Address: 34 S. Main Street
Winchester, KY 40391

Phone Number: 859-745-0200

Email Address: judgepace@clarkcoky.com

Federal ID Number: 61 - 6000993

Part B: Project Summary

Total Funds Requested: \$ 9800.00

Please provide a complete description of the proposed project. Describe the project scope and the anticipated finished product(s). Explain why these records were selected for preservation as well as their historical significance and relevance to the community. Provide proposed methods for handling the records to ensure they conform to generally accepted archival and records management standards. See the guidelines for additional examples and attach additional sheets, if needed.

Please see Attachment "A"

ATTACHMENT "A"

Project Description:

Our proposed project is to electronically codify all local Ordinances beginning January 1, 1975 through current year. We anticipate that we have approximately 1,125 ordinances (11,250 pages) that we consider the priority for this project. Currently these records are stored in the Clark County Clerk's office in their original form – paper. Due to the massive number of Ordinances, it has become increasingly difficult to retrieve the Ordinances in a timely manner especially when trying to comply with the Open Records Act. In addition to timely retrieval issues, the Clark County Clerk's office is running out of space to continue to store the said documents and are not able to provide a fire-resistant storage area. Electronic codification of the records would allow us to store the original documents off-site in a fire-resistant environment while maintaining the integrity of the documents onsite, and the continuation of remaining compliant in the Open Records Act, and it will also enhance our service to the community of 36,000 people more efficiently.



Kentucky Department for Libraries and Archives
Local Records Program

Plan of Work

Please list preferred project vendor(s) for each section, vendor addresses, and vendor phone numbers. (If not selecting lowest bid proposal, please attach a justification.)

Section 1

Vendor Name: American Legal Publishing Corporation

Vendor Address: 3635 Walnut Park Drive
Alexandria, KY 41001

Vendor Phone and Email: 800-445-5588 / customerservice@amlegal.com

Purpose: Security Microfilming ☐ Digitization ☒ Conservation ☐ Codification ☒ Salary ☐ Equipment/Supplies ☐
(Select all that apply)

Records	Date	Series	Cost
Example: Deed Books A-Z	1799-1858	L1317	\$6,255
Electronic codification of all local Ordinances beginning Jan. 1, 1975 until current Legal Review	1975-Present		\$9,000.00
Diazo Cost for 11,250 Copies			800.00
Quality Control (Add 12.5% of the microfilming cost)			
Total Cost			\$9,800.00

Section 2

Vendor Name: _____

Vendor Address: _____

Vendor Phone and Email: _____

Purpose: Security Microfilming ☐ Digitization ☐ Conservation ☐ Codification ☐ Salary ☐ Equipment/Supplies ☐
(Select all that apply)

Records	Date	Series	Cost
Example: Shelving	N/A	N/A	\$9,040
Diazo Cost for _____ Copies			
Quality Control (Add 12.5% of the microfilming cost)			
Total Cost			

Please Attach Additional Sections, if needed.



Kentucky Department for Libraries and Archives Local Records Program

Commitment of Local Government:

Explain the local government's commitment to a comprehensive records management program (appropriate disposition of records, designation of a records officer, and training of records personnel in records management techniques). Please detail how your office will commit resources to this project (adequate office, storage or working space; personnel; supplies; equipment; or a monetary contribution).

Please see Attachment "B"

Are these records stored in secure, fire resistant facilities? If no, please explain how the project will safeguard the records in questions.

Yes ☐ No ☒

Currently the records are stored in the Clark County Courthouse in the County Clerk's office. The facility does not provide a fire-resistant storage area. Codification would allow us to store the original/hardcopy in an offsite fire-resistant environment.

Is access to these records in compliance with the state's Open Records Law (KRS 61.870-876) and in an area with proper security and supervision? If no, please explain how this project would ensure compliance.

Yes ☒ No ☐

ATTACHMENT "B"

Commitment of Local Government:

Upon the approval of the Fiscal Court and the Office of the Judge-Executive, we are committed to implementing and maintaining electronic organization and accessibility of all of the County's records beginning with what we deem the greatest priority - the local Ordinances. In order for the Court to adhere to existing Ordinances, and create new Ordinances to better serve the community, we must be able to retrieve past records in an efficient and accurate manner. Moving forward, implementing a comprehensive records management program will improve public service, reduce costs in the long-term, and promote transparency for the Office of Judge-Executive and the Clark County Fiscal Court.

Our Clark County Clerk, Michelle Turner, is the designated records officer and has committed to having three office personnel trained for records management. All personnel and resources necessary will be made available to complete this project. Additional storage is available throughout the Courthouse if needed. The Judge Executive's Office and the Fiscal Court is committed to any monetary contributions necessary to ensure successful completion of this project.



Kentucky Department for Libraries and Archives
Local Records Program

Part C: Project Outcomes

1. How will this project ensure the preservation of and/or increase public access to these records? What benefit will this project be to your agency and community? How will you disseminate information about this project and its outcomes to the public?

Please see Attachment "C"

2. Did you consult with your Regional Administrator while completing this application? Yes ☒ No ☐
3. Can these records be removed from the office during the project? Yes ☐ No ☒ N/A ☐

4. In what format do these records exist? Select all that apply.

Paper ☒ Electronic Files ☐ Microfilm ☐ Microfiche ☐ Aperture Cards ☐

Other: _____

5. Can this project be completed within a single grant cycle (18 months)? Yes ☒ No ☐
(grant cycle for Salary grants is 48 weeks)

6. Additional information/comments:

ATTACHMENT "C"

Part C: Project Outcomes:

The project will allow two forms of documentation – original/hardcopy and electronic copy. Currently, the original/hardcopies are not stored in a fire-resistant environment located in the County Clerk's office located at the Courthouse. The electronic codification of these documents will provide safe storage and preservation of the original documents. In addition to retrieving the documents in a more efficient and timely process, we plan to provide a link to the public through our website www.clarkcoky.com that will allow the public to have access to new Ordinances; currently this is not available to the public.



Kentucky Department for Libraries and Archives
Local Records Program

Part D: Certification

Statement regarding expenditure of funds: The applicant agrees that funds granted under the Local Records Program will be spent solely in accordance with the project description and budget statement presented in this application. The grant recipient acknowledges that any changes in the submitted plan of project work, funding, or length must be submitted in writing to, and approved in advance by, the Kentucky Department for Libraries and Archives.

Statement regarding archival and records management policies and procedures: The applicant agrees to comply with all policies, procedures, and standards deriving from Kentucky Revised Statutes, Kentucky Administrative Regulations, as well as the policies of the Kentucky Department for Libraries and Archives and the State Libraries, Archives, and Records Commission concerning management, preservation, reproduction, and storage of public records in addition to those dealing with the official recording of such records in government offices, whether on paper, microfilm, or other medium.

Statement regarding project status and financial expenditure reporting: The applicant agrees to submit biannual Project Status and Financial Expenditure Reports during the course of the project and at the end of the project as specified in the grant contract. The grant recipient also agrees to create a separate grant fund account, maintain separate financial and programmatic records on this project, and retain source documentation such as canceled checks, paid invoices, payrolls, or other accounting documentation, which would facilitate an audit as required by statute, regulation, or administrative procedure.

Statement regarding continued records management and preservation support: The applicant agrees to make budgetary allowance to continue the work begun by this project to better manage, preserve, and secure the current and future records of this agency. The applicant also recognizes that such an allowance is a necessary operating expense that must be budgeted for on a regular basis.

Statement regarding the Americans with Disabilities Act: The applicant agrees to comply with the Title II provisions of the Americans with Disabilities Act and to submit to the Department, upon request by the Department, documentation that demonstrates compliance with the Title II requirements of the Americans with Disabilities Act.

Authorized Local Government Official

Chris Pace, Judge Executive
Typed or Printed Name and Title

April 15, 2019
Date

Official Custodian of Records

Michelle Turner, Clark County Clerk
Typed or Printed Name and Title

April 15, 2019
Date



March 26, 2019

Chris Pace
Clark County Judge Executive
34 South Main Street - Room 103
Winchester, KY 40391

Dear Chris,

Thank you for requesting a quote for codification services. As per your request, the following is our proposal. Our proposal specifically includes meeting all of the Codification Steps of the Kentucky Department for Libraries and Archives as well as all of the requirements. The total cost for codifying the County of Clark County's ordinances includes the following:

County's ordinances will be used for the codification
Kentucky Model Ordinances will be provided for review based on what is requested by County. Models will only be used with County's written permission.

Ordinance Review by legal editor

One Manuscript/Draft will be provided

Changes and Additions for the Codification of Local Ordinances will be added after the draft is completed

Additional Model Ordinances as Requested in the future

Indexing and Cross-Referencing

Future updates are not included in the price

Final Revisions & 10 printed copies with tabs and binders

Legal Review by a Kentucky Licensed Attorney for this project will cost \$800.00

TOTAL COST:	\$9,000.00	+	\$800.00	=	\$9,800.00
	Codification		Legal review		

This price quote should be attached to your Application Form when forwarded to the Kentucky Department for Libraries and Archives (DLA) to request funding through the Department's Local Records Program. ALPC will guarantee that (1) the cost for codifying the County's ordinances according to the guidelines of the Kentucky Department for Libraries and Archives will not exceed the above amount, and (2) the price listed above will remain in effect throughout the contract period, provided the County begins the codification project on or after July 1, 2019. The price will remain good through July 31, 2019.

One West Fourth Street * 3rd Floor * Cincinnati, Ohio 45202
www.amlegal.com * e-mail: customerservice@amlegal.com * fax (513) 763-3562
(800) 445-5588

Page 2

Codification services are overseen by Christi Baunach, a Kentucky Licensed Attorney. Your codification project will consist of our one of our Kentucky attorneys researching and reviewing your local ordinances and bring them up-to-date with Kentucky and federal law based on the 500 finished page count. We will work closely with you in creating a code of ordinances that fits the needs of the County and satisfies the requirements of KRS 83A.060 which require ordinances to be codified or compiled and periodically reviewed for consistency with state law.

We will also supply you with a number of model ordinances to cover topics where you may not have an ordinance, or where the ordinance you do have, might be old or outdated. We are the only code company that uses comprehensive model ordinances that have been drafted specifically for use by Kentucky Counties. The models are for your review and can be placed into the code with the County's permission.

Your code of ordinances will be arranged according to subject matter, indexed, and cross-referenced so that all of the general and permanent laws of your County will be in one easy-to-use book.

We certainly hope you choose American Legal and explain your preference on your application form.

If you have additional questions about any part of the project, please contact me at your earliest convenience. We are looking forward to working with you on this most important project.

Sincerely,



Richard C. Frommeyer
Codification Consultant
3635 Walnut Park Drive
Alexandria, KY 41001

AMERICAN LEGAL PUBLISHING CORPORATION ADVANTAGES AND BENEFITS

QUALIFICATIONS

- American Legal Publishing Corporation began as the codification division of the Anderson Publishing Company of Cincinnati in 1934. We became a separate corporation in 1979.
- American Legal currently serves more than 2,500 local government clients across the country. Our municipal clients range in size from Louisville Jefferson County Metro Government, New York City, Los Angeles, Chicago, San Francisco, Dallas, and Boston to villages with populations under 500; we serve counties of all sizes and populations.
- We are the codification consultants to the International Municipal Lawyers Association and numerous state municipal leagues.

LEGAL ANALYSIS

- Our legal staff's **Exclusive Editorial and Legal Report** details internal code inconsistencies as well as inconsistencies between your ordinances and state statutes and federal law. We have eight attorneys on staff, including the president of the company.
- Our legal review will be by a **Kentucky licensed attorney on staff.**
- We provide the **most comprehensive analysis** in the codification industry: outlining problems, providing you with alternatives, and allowing you to implement desired improvements.
- You receive the Editorial and Legal Report with the **draft** of your code, allowing you to review your code with the assistance of our detailed, written editorial analysis which will ultimately be reviewed with you at a conference in Clark County, Kentucky.

SUBJECT MATTER FORMAT

- We will arrange your ordinances according to logical subject matter. We group all of your land use ordinances together in one section, your business regulations together in one section, your administrative ordinances in another section, etc.
- We can offer you free **Model Ordinances** covering nearly any municipal topic to replace an outdated ordinance or to cover an area where you may not have an ordinance.

TABLE OF SPECIAL ORDINANCES, PARALLEL REFERENCES AND INDEXING

- As part of your new code, we will create Tables of Special Ordinances covering such topics as annexations, zoning map changes, franchises, easements, etc. These ordinances will be listed in table form by ordinance number, date of passage, and will include a brief description of each ordinance.
- Your code will include Parallel Reference Tables that indicate which code sections are based on state statutes, where prior code sections appear in your new code, and a cross-reference of ordinance numbers to code section numbers.

- Our comprehensive index includes no dead ends when you search for a topic.

STYLE OPTIONS

- We offer different typesets for your code, single or dual column printing and various types of binders.

TIMELY DELIVERY AND FLEXIBLE BILLING

- We will complete your code within 9 months (excluding your review time).
- We can work with you to schedule the project so that it meets your budgetary needs.
- We complete supplements within 45 days.

RE-ORDERS AND PAMPHLETS

- We have **no minimum** or maximum orders of extra copies of your code. You can call us at any time and order 1 or 1,000 additional copies of your code.
- You can order only as many codes as you need without having to worry about buying, storing and updating copies that you don't need.
- You can receive specific, bound pamphlets for your police department, zoning department, etc.

COMPUTERIZATION OF CODE

- You can receive your code on diskette in WordPerfect, Microsoft Word or PDF at no additional charge.
- Access every word in your code in just seconds with our online search and retrieval software. Your code can be linked to your meeting minutes and other official documents. We do all the conversion work ourselves; we have produced thousands of codes online.
- Our software can run on a standalone computer, across a network, or most importantly on the internet.
- Users can customize their version by creating color highlights, bookmarks, notes, and pop-up links without affecting the original text.
- This search and retrieval software is an additional price of \$500.00 not covered by the codification project.

SUBSCRIBERS SERVICE

- American Legal can sell current copies of Clark County's code (printed and computer versions) via our "800" number directly to Law Firms, Developers and other outside parties.
- Our service relieves Clark County of the burden of maintaining and updating inventory of codes and processing individual payments.

SUPPLEMENT SERVICE

- Our fast and efficient supplement service will keep your code current in future years. Delivery is within 45 days or less. We also offer instant updating of the online code and paper code if requested. This is an additional fee.
- You can supplement as often as necessary - even after every council meeting.
- Unlike other code companies, our supplement service includes at no additional charge incorporation of changes in Kentucky state law that affect your code. We provide this each year.

LEGAL AND EDITORIAL RESEARCH AND REPORT LINCOLN COUNTY, KENTUCKY AMERICAN LEGAL PUBLISHING CORPORATION

Introduction

This report has been created in conjunction with the preparation of a preliminary manuscript of the code of ordinances for Lincoln County, Kentucky, and is intended to assist in the review of the preliminary manuscript of your code. It describes editorial decisions made in creating the manuscript and provides a list of questions which need to be addressed by the city.

PLEASE NOTE THAT ANY QUESTIONS OF A LEGAL NATURE CONTAINED IN THIS REPORT SHOULD BE ADDRESSED TO YOUR CITY ATTORNEY. THIS REPORT SHOULD NOT BE CONSIDERED AS A SUBSTITUTE FOR THE COMPETENT ADVICE OF YOUR COUNTY ATTORNEY, AND WE ARE IN NO WAY ASSUMING THE ROLE OF ATTORNEY FOR THE COUNTY.

Upon receipt of your answers to the following comments, we will be able to complete production of your new code. The contractual review period (during which the county is to review the preliminary manuscript and respond to this report) is **60 DAYS** following the receipt of this report. **Consequently, your responses will be due by March 14, 2018.** Please feel free to make changes and suggestions to the preliminary manuscript in addition to those discussed in the following comments. Upon receipt of your responses, we will finish and ship the first edition of the code to you within ten to twelve weeks. If you will need to extend this review period, please let us know.

Also, remember that the "preliminary" manuscript is for review purposes only. An index and parallel reference tables, which will indicate the location of each state statute, resolution, and ordinance within the code, will be inserted in the final version of the code. The final code will also contain tab dividers before each title, the index, and the parallel reference tables and will be printed on white paper. The page count, minus and index, but with a preliminary PR table is 434 pages. We expect the index to be 40 pages.

General Comments

1) We have organized the new code into the following titles with chapters, subchapters, and sections:

Title I	General Provisions	Title XI	Business Regulations
Title III	Administration	Title XIII	General Offenses
Title V	Public Works	Title XV	Land Usage
Title VII	Traffic Code		Table of Special Ordinances
Title IX	General Regulations		Parallel References

- 2) We have not repeated definitions and rules of construction contained in Title I throughout the code unless a variation of the definition or rule applies to a particular code provision.
- 3) We have removed severability provisions from new ordinances, as they are covered by § 10.07.
- 4) We have placed a simplified penalty reference ("Penalty, see § . . .") in a separate line at the end of the legislative history of each section, where appropriate.
- 5) As a legislative history for code sections, we list at the end of the section the number and passage date of its enacting ordinance, then amending ordinances, if any. **EXAMPLE:** (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-13-1970; Ord. 20, passed 11-21-1980; Ord. 25, passed 10-17-2005)
- 6) (a) A "KRS" cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. **EXAMPLE:** (KRS 83A.090) (Ord. 10, Series 1980, passed 1-17-1980; Ord. 20, Series 1985, passed 1-1-1985).

(b) A "KRS" cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. **EXAMPLE:**

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see KRS 61.870 et seq.

- 7) Note that titles in your new code are separately paginated for ease of supplementation. If, for example, the county adds material to Title III during a supplement, then the page numbers in Title III will shift accordingly and the page numbers in the remaining titles (V through XV) will remain stable. Because the county pays a charge per page in supplementation, this style of pagination will actually save the county money. If some code users are concerned about their ability to locate material quickly, please remind them that the final product will have tabbed dividers before each title, clearly marked with the name of that title.
- 8) In order to complete your new code, we need you to return to us the below-listed items, all in one packet if possible:
 - a) Your responses to this report. We recommend that you simply write your responses directly on this report. Or, you may return your responses on a separate sheet of paper, or mark them on your blue manuscript and return it to us.
 - b) A copy of each new ordinance passed since the last one included in your draft manuscript. The last ordinance included in your draft manuscript was Ord. 2015-09, passed 4-24-2017.
 - c) Other changes you wish to make, if any. We suggest that you mark such changes directly on your blue draft manuscript, and return it to us. Please note that we will retain the returned manuscript, so you may want to make a copy of the affected pages for your records.
- 9) Many cities insert, prior to the actual code sections, a page acknowledging the current officials of the city. If you desire such an acknowledgment, the responses to this report should include a current list of any officials the city wants to include.
- 10) The below-listed sections contain fees, fines or other dollar amounts which are more than five years old and may be obsolete. If you wish to update any of them at this time, please specify the section number and the new

amount. Unless otherwise instructed, we will retain these sections as presently edited.

Title III: 30.99, 32.17, 32.21, 32.39, 32.61, 32.99, 33.02, 33.03, 33.04, 33.06, 33.99, 34.119, 34.121, 35.01
Title V: 50.03, 50.99, 51.99, 52.99, 53.01
Title VII: 70.99
Title IX: 90.03, 91.99, 93.08, 93.09, 95.99
Title XI: 110.99, 111.06, 111.07, 111.99, 112.99
Title XIII: 130.99
Title XV: 150.01, 150.99, 151.01, 152.43, 152.99, 153.99, 154.150, 154.252, 154.999

- 11) Enclosed with this report is a list of any statutes cited or referenced in your code which have been repealed, replaced, or are otherwise obsolete, along with our suggestions for updating these citations or references. Unless instructed otherwise, we will make the suggested updates before publication of your new code.

Research and analysis

Responses

TITLE I: GENERAL PROVISIONS

- 12) Chapter 10: Rules of Construction; General Penalty. The purpose of this chapter is to reduce duplication and create consistency throughout the code. To this end, we have replaced obsolete and repetitive ordinance sections with comprehensive, general code provisions, most of which are self-explanatory in nature and need no particular comment; however, we ask that you review the chapter and advise if anything is unclear or unsatisfactory. Is this chapter acceptable?

- B.) The following KRS citations in this section are incorrect and should be corrected as follows:

KRS 446.010(8) should be 446.010(25)
KRS 446.010(13) should be 446.010(12)
KRS 446.010(14) should be 446.010(13)
KRS 446.010(15) should be 446.010(14)
KRS 446.010(16) should be 446.010(15)
KRS 446.010(18) should be 446.010(17)
KRS 446.010(19) should be 446.010(18)
KRS 446.010(24) should be 446.010(23)

Is this acceptable?

TITLE III: ADMINISTRATION

- 13) §30.02, Magisterial Districts. Divisions (B) and (D) of this section do not contain substantive law and are unnecessary. We suggest removing them and renumbering the section accordingly. Is this acceptable?
- 14) §31.05, Watershed Planning Unit. This section appears to be describing that policies and objectives were adopted but doesn't specify what the actual policies and objectives are. If you would like us to include the substantive material, please include it in your responses to this report. Unless otherwise instructed, we will retain this section as-written.

15) §33.03, Court Costs. The ordinance we received only had how much to increase the amounts by, not the original amounts. Please specify the original amounts in your responses to this report so that we may include the correct amounts. Unless otherwise instructed, we will retain this section as-written.

16) Ch. 43, Personnel Policy.

A.) This was inserted in full because it was set out in full in the prior code. Is this acceptable?

B.) It appeared Ord. Passed 3-13-2015 belonged in Chapter 34, with personnel regulations. However, we could not locate the provisions being amended in the material we were provided. Please provide the missing material with your responses to this report. Unless otherwise instructed, we will retain this section as-written.

TITLE V: PUBLIC WORKS

17) §50.02, Fees; Quarterly Reports. The first sentence of division (B) of this section is awkwardly worded. For clarity, we suggest the following revision in pertinent part; "All haulers of residential and commercial waste in the county shall file quarterly reports..." Is this acceptable?

18) §51.01, Definitions.

A.) The definition of DISASTER AND EMERGENCY SERVICES DIRECTOR contains a citation to KRS 39.415 which has been repealed. We suggest replacing with a citation to KRS 39B. Is this acceptable?

B.) The definition of HAZARDOUS SUBSTANCE(S) contains a citation to KRS 224.01-400 which has been repealed and renumbered to KRS 224.1-400 and we will revise accordingly. Is this acceptable?

C.) The definition of HAZARDOUS WASTE contains a citation to KRS 224.01-010 which has been repealed and renumbered to KRS 224.1-010 and we will revise accordingly. Is this acceptable?

TITLE VII: TRAFFIC CODE

19) §70.02, Animals. Division (E) of this section is missing material. Please provide the missing material in your response to this report. Unless otherwise instructed, we will retain this section as-written.

TITLE IX: GENERAL REGULATIONS

20) Ch. 90, Animals. Ordinance 2.23.16, passed 2/23/2016, appeared to supersede Ord 2-08-3.11, passed 3/11/2008 and its amendments. For this reason, Ord. 2-08-3.11 and its amendments were not included in this chapter. Is this acceptable?

- 21) §90.03, Impoundment of Livestock. For clarity, in the first sentence of division (A) of this section, we suggest replacing "...\$1 and the cost of feeding and caring..." with "...\$1 plus the cost of feeding and caring..." Is this acceptable?
- 22) Ch. 91, Nuisances. A letter was attached to the ordinance we received explaining that the new ordinance didn't include the open burning section of the section about citizen band radio that was in the previous ordinance. Please indicate whether the provisions for these subjects need to be included and, if so, include them in your response to this report. Unless otherwise instructed, we will retain this section as-written.
- 23) §91.01, Definitions. The definitions for ABATEMENT COSTS and HEARING BOARD contain citations for KRS 82.700 through 82.725 and KRS 82.710 respectively. These sections have all been repealed and we were unable to find an appropriate replacement. Please provide a replacement or otherwise specify how we should treat these citations. Unless otherwise instructed, we will retain this section as-written.
- 24) §93.05, Discrimination in Housing Financing. In 2012, the federal Department of Housing and Urban Development adopted the "Equal Access Rule" (FR Vol. 77, No. 23, 5662) which prohibits recipients of HUD funds and lenders insured by the FHA from discrimination based on sexual orientation or gender identity. In light of that rule, please review with your attorney to determine whether anything should be added to this section to denote compliance with this rule and provide any changes you wish to make in your responses to this report. Unless otherwise instructed, we will retain this section as-written.
- 25) §94.05, Land Use Regulations. Please provide the appropriate information to fill in the blank space in this section. Unless otherwise instructed, we will retain this section as-written.

TITLE XI: BUSINESS REGULATIONS

No comments for this title.

TITLE XIII: GENERAL OFFENSES

No comments for this title.

TITLE XV: LAND USAGE

- 26) §151.01, Adoption of Building Code. This section refers to the 2007 edition of the State Residential Code Book. If there is a more recent edition you'd prefer to use please indicate so in your response to this report. Unless otherwise instructed, we will retain this section as-written.
- 27) §153.17, Minor Plat Approval.
- A.) Division (A)(1) of this section appears to contain a contradiction; "...where a subdivision contains a total of two three lots," Please specify how this is intended to read. Unless otherwise instructed, we will retain this section as-written.

- B.) In division (B)(1)(j), for clarity, we suggest changing "definitely" to "definitively." Is this acceptable?
- C.) In division (B)(1)(m) in the first sentence there appears to be some confusing wording; "...pins set to be set." We suggest changing it to "pins set." Is this acceptable?
- 28) §153.41, Soil Erosion/Sediment Control/Stormwater Management. At various times throughout, this section refers to "Administrative Officer," "Administrative/Enforcement Officer," and "Administrative or Enforcement Officer." For consistency, we suggest changing all instances to "Administrative Officer." Is this acceptable?
- 29) §154.186, General Sign Regulation.
- A.) Division (C)(1) of this section prohibits the use of the specific words "stop" and "warning" on illuminated signs. While clearly intended to refer to signs that might be mistaken for official traffic signs, we believe there is a chance that the current wording might conflict with First Amendment to the United States Constitution. We suggest you review this with your attorney and determine what changes, if any, may be necessary. We suggest removing the prohibition on those specific words and replacing with, in pertinent part, "...warnings, or which may otherwise be mistaken for same." Unless otherwise instructed we will retain this section as-written.
- B.) Divisions (B)(2) and (D) differentiate signs based on content (real estate, yard sale, political) which may conflict with the recent US Supreme Court case of *Reed v. Town of Gilbert*, 576 US ____ (2015). The Court in *Reed* held that regulations differentiating between signs based on content was prohibited by the First Amendment to the United States Constitution. With that in mind, please review these sections with your attorney and provide any changes you wish to make to ensure compliance with federal law. Unless otherwise instructed we will retain this section as-written.
- 30) §154.187, Residential Districts. See comment X above regarding *Reed*. Unless otherwise instructed we will retain this section as-written.
- 31) §154.188, Commercial/Professional Office District. Regarding division (B)(4), see comment above regarding *Reed*. Unless otherwise instructed we will retain this section as-written.
- 32) §154.189, Industrial District. Regarding division (B), see comment above regarding *Reed*. Unless otherwise instructed we will retain this section as-written.

Editorial report prepared by:

Nils Herdelin, Staff Attorney
January 5, 2018



April 10, 2019

Clark County

Attn: Magistrate

Email sent via: magistratedanielk@gmail

To Whom It May Concern:

Thank you for contacting us in regards to our codification services and the county's upcoming project. Having reviewed the materials for this project, we are not interested in bidding on the job at this time.

Thank you again and good luck.

Sincerely,

A handwritten signature in black ink that reads 'R. Kirk Franklin'.

R. Kirk Franklin

President/Attorney at Law

JANET TOWNSEND
DEPUTY JUDGE EXECUTIVE

DONNA BLACK
ADMINISTRATIVE ASSISTANT

FRANKIE FAULKNER
FINANCE OFFICER
ASSISTANT TREASURER

JERRY MADDEN
TREASURER
DIRECTOR OF FINANCE



CLARK COUNTY COURTHOUSE
34 SOUTH MAIN - ROOM 103
WINCHESTER, KENTUCKY 40391

PHONE: 859-745-0200
FAX: 859-737-5678

OFFICE OF THE
CLARK COUNTY JUDGE/EXECUTIVE
CHRIS PACE

April 15, 2019

Local Records Branch
Kentucky Department for Libraries and Archives
P.O. Box 537
Frankfort, KY 40602-0537

To Whom It May Concern:

We have made repeated attempts to secure a "No Bid" response from the following
Codification organizations:

1. Lexis Nexis Municipal Codes: 866-501-5155
2. Code Publishing Company: 800-551-2633

Unfortunately, we were not able to do so even after repeated telephone attempts with Code Publishing Company from one of our magistrates Daniel Konstantopoulus. He was told by an associate named Zoe at Code Publishing on two separate occasions that we would receive a "no bid" response from their organization as we had not received a response to our email request on March 26th. Today, Magistrate Konstantopoulus followed up again and was informed by Code Publishing that they do not conduct business in Kentucky and would not send a "no bid" response stating the organization did not have time to prepare the response. We also emailed LexisNexis on March 26th requesting a "no bid" response and attempted to reach someone by phone as well but was unsuccessful.

Thank you for your consideration to our grant application.

Sincerely,

Janet Townsend
Deputy Judge-Executive



clarkcountyfiscalcourt@clarkcoky.com

From: clarkcountyfiscalcourt@clarkcoky.com
Sent: Tuesday, March 26, 2019 1:50 PM
To: 'cpc@codepublishing.com'
Subject: Codification of Ordinances

This is a follow up on the email I sent on March 14, 2019. If this is something you are not interested in, please send a no bid in a sealed envelope to Clark County Courthouse, 34 South Main St. Winchester Ky 40391
Thank You.

DONNA R BLACK
Administrative Assistant
34 South Main Street, Ste 103
Winchester, KY 40391
Phone: (859)745-0200
Fax: (859)737-5678

Code Publishing Company
800-551-2633

clarkcountyfiscalcourt@clarkcoky.com

From: clarkcountyfiscalcourt@clarkcoky.com
Sent: Tuesday, March 26, 2019 1:51 PM
To: 'codify@lexisnexis.com'
Subject: Codification of Ordinances

This is a follow up on the email I sent on March 14, 2019. If this is something you are not interested in, please send a no bid in a sealed envelope to the Clark County Courthouse, 34 South Main Street Room 103, Winchester Ky. 40391. Thank you,

DONNA R BLACK
Administrative Assistant
34 South Main Street, Ste 103
Winchester, KY 40391
Phone: (859)745-0200
Fax: (859)737-5678

*Lexis Nexis Municipal
code - 501 - 5155*

clarkcountyfiscalcourt@clarkcoky.com

From: clarkcountyfiscalcourt@clarkcoky.com
Sent: Tuesday, March 26, 2019 2:46 PM
To: 'kirk@franklinlegal.net'
Subject: Codification

THIS IS A FOLLOW UP TO THE EMAIL I SENT ON MARCH 14, 2019. IF THIS IS SOMETHING YOU ARE NOT INTERESTED IN, PLEASE SEND A NO BID TO THE CLARK COUNTY COURTHOUSE, 34 SOUTH MAIN ST, ROOM 103, WINCHESTER KY 40391. THANK YOU.

DONNA R BLACK
Administrative Assistant
34 South Main Street, Ste 103
Winchester, KY 40391
Phone: (859)745-0200
Fax: (859)737-5678

*Franklin Legal
Publishing
806-797-8281*